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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,547	01/22/2002	Bernard A. Traversat	5681-07000	8857

7590

11/02/2005

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EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/055,547	TRAVERSAT ET AL.	
	Examiner	Art Unit	
	Ranodhi Serrao	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 02 September 2005 have been fully considered but they are not persuasive.
2. The applicant argued that: Harvey disclosing that control [of a user/client computer 110 by a central controller module 115] could alternately be accomplished through a peer-to-peer network as the communications link is clearly not sufficient to establish that Harvey discloses a peer-to-peer network environment comprising a plurality of peer groups. The examiner respectfully disagrees with this statement since the Harvey states that the entire architecture could function as either client/server or peer-to-peer. And if the architecture functions as peer-to-peer then the control would be accomplished through clients instead of a central controller because a central controller could not function under a peer-to-peer architecture. It is obvious to those having ordinary skill in the art, as stated in Harvey, to change this architecture to peer-to-peer. Therefore, Harvey can be implemented as a peer-to-peer architecture creating peer groups or communities and group members. Therefore, the prior art of record teaches the invention as claimed.
3. The applicant also argued that Harvey fails to disclose the claimed invention of claim 2. The cited paragraph clearly teaches these limitations. See rejection below. Furthermore, Harvey states, "this invention relates to the use of various communications protocols in order to distribute and enable community applications and information through a public or private network to enable users to interact and communicate with

like-minded communities,” in col. 1, lines 9-35. Therefore, Harvey discloses the invention as claimed.

4. The applicant also argued that Harvey fails to disclose the claimed invention of claim 3. The examiner reaffirms this rejection since the cited paragraph clearly points out the implementations of membership policies. See rejection below. Furthermore, col. 11, line 62-col. 12, line 37 discloses that, “If the client application is not received directly from one of the assistant managers, a user may be prohibited from accessing the community.” Therefore, Harvey discloses the invention as claimed.

5. The applicant also argued that the rejection of claim 8 is not supported by the cited prior art. The points to col. 18, lines 45-60, wherein Harvey states, “An email sent to a list may be distributed to all currently subscribed members of the list.” This statement means that a peer group message sent by one of the members of the said peer group is sent to the members of said peer group but not outside said peer group. Therefore, the cited art of record overcomes the claimed invention.

6. The applicant argued that Harvey fails to disclose wherein said protocols are platform independent as to programming language implementations and network transport for said common set of services. The examiner points to col. 5, line 54-col. 6, line 9, wherein Harvey states, “Communication application modules 155a and 155b need not be the same specific software so long as communication between them is according to standard protocols so that messages sent and received can be recognized.” Therefore said protocols are platform independent as to programming language implementations. Thus Harvey overcomes the invention as claimed.

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7. The applicant further argued that the cited prior art does not teach a membership service advertisement. The examiner restates that invitations serve the purpose of advertisement. Moreover, advertisements of products and services are mentioned throughout the reference, and it was well known in the art at the time of the invention to advertise. Thus Harvey overcomes the invention as claimed.

8. Furthermore, the applicant argued that Harvey fails to teach peer nodes configured to participate in a peer discovery protocol to discover other peer nodes. Harvey discloses implementing various protocols as mentioned earlier and elsewhere in the reference. And in col. 17, line 43-col. 18, line 2, Harvey states that, "...the names of communities will provide an indication of the relative sizes and activity levels of a community, as well as an indication of how a user may join the community." Thus, Harvey discloses discovering other members and communities or groups, overcoming the invention as claimed.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-11, 19-33, 38-68, 70-75, 76, 77, 80-99, are rejected under 35 U.S.C. 102(e) as being anticipated by Harvey et al. (6,487,583).

11. As per claims 1 and 70, Harvey et al. teaches a peer-to-peer network environment (column 24, lines 14-49), comprising: a plurality of peer groups, wherein each peer group comprises a plurality of peer group members, and wherein each peer

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group member comprises a network node configured to communicate with other members of its peer group over one or more networks; wherein each peer group defines a common set of services available to members of that peer group (column 4, lines 20-43); and wherein a plurality of members of one of said plurality of peer groups are configured to share a network service or content with other members of said peer group only, so that said peer group defines a limited domain of availability for said network service or said content (column 11, line 62-column 12, line 5).

12. As per claims 2, 28, 44, 71, and 87, Harvey et al. teaches a peer-to-peer network environment, wherein said common set of services comprises a membership service, wherein said membership service implements a membership protocol for joining a peer group such that any peer in the peer-to-peer network environment may apply for membership in the peer group in accordance with the membership protocol (column 11, lines 28-50).

13. As per claims 3, 29, 45, 56, 63, 72, and 92 Harvey et al. teaches a peer-to-peer network environment, wherein one or more members of said peer group are configured to provide said membership service for said peer group, wherein said membership service for said peer group implements a membership policy for said peer group restricting which peers in the peer-to-peer network environment are allowed to join said peer group (column 11, lines 51-61).

14. As per claims 4, 21, 30, 46, 57, 64, 73, 81, 88, and 93, Harvey et al. teaches a peer-to-peer network environment, wherein said membership service for said peer group is configured to: receive or send an apply message from a potential new peer

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group member, wherein said apply message is formatted as defined by said membership protocol (column 12, lines 6-37); respond to or receive said apply message with a first acknowledge message formatted as defined by said membership protocol, wherein if the potential new peer group member is qualified to apply in accordance with the membership policy for said peer group, the first acknowledge message comprises an application credential (column 15, lines 9-23); receive or send a join message including the application credential from the potential new peer group member, wherein said join message is formatted as defined by said membership protocol (column 15, lines 24-34); and receive or respond to said join message with a second acknowledge message formatted as defined by said membership protocol, wherein if the potential new peer group member is qualified to join in accordance with the membership policy for said peer group, the second acknowledge message comprises a membership credential and a peer group advertisement for said peer group describing the common set of services available to members of said peer group (column 16, lines 15-39).

15. As per claims 5 and 22, Harvey et al. teaches a peer-to-peer network environment, wherein said membership credential identifies a peer as a member of said peer group (column 16, lines 15-39).

16. As per claims 6 and 74, Harvey et al. teaches a peer-to-peer network environment, wherein a plurality of members of said peer group are configured to provide an advertisement for applying to said peer group, wherein said advertisement for applying to said peer group comprises a description of said peer group, requirements for joining said peer group, and an endpoint within the peer-to-peer

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network environment indicating where to send said apply message (column 13, line 58-column 14, line 6: wherein an invitation serves the purpose of an advertisement).

17. As per claims 7, 23, 25, and 51, Harvey et al. teaches a peer-to-peer network environment, wherein said advertisement for applying to said peer group is discoverable within the peer-to-peer network environment in accordance with a discovery protocol (column 17, lines 43-57).

18. As per claims 8 and 75, Harvey et al. teaches a peer-to-peer network environment, wherein said peer group defines an implicit scope for all peer group messages originating within said peer group, so that a peer group message sent by one of the members of said peer group is sent to the members of said peer group but not outside said peer group (column 17, line 64-column 18, line 2).

19. As per claim 9, Harvey et al. teaches a peer-to-peer network environment, wherein one or more peers within said peer group are configured to receive a peer group message from other members of said peer group, wherein said peer group message comprises a query message for content within said peer group (column 21, line 55-column 22, line 25).

20. As per claim 10, Harvey et al. teaches a peer-to-peer network environment, wherein said query message is formatted in accordance with a resolver protocol implemented as one of said common set of services for said peer group, wherein said resolver protocol defines query and response message formats (column 19, lines 26-39).

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21. As per claims 11 and 77, Harvey et al. teaches a peer-to-peer network environment, wherein said common set of services for said peer group include a peer monitoring service configured to implement a peer information protocol, wherein said peer information protocol defines a message format for requesting and responding to requests regarding peer activity so that said peer groups defines a monitorable domain within the peer-to-peer network environment (column 11, lines 51-61).

22. As per claims 19, 38, 49, 60, and 67, Harvey et al. teaches a peer-to-peer network environment, wherein said common set of services available to members of said peer group implement protocols for joining and leaving said peer group and for sharing said network service or content within said peer group, wherein said protocols are platform independent as to programming language implementations and network transport for said common set of services (column 9, lines 10-32 and column 6, line 47-column 7, line 6).

23. As per claims 20, 27, 80, 90, 96, 97, and 99, Harvey et al. teaches a peer node, comprising: a processor (column 5, line 54-column 6, line 9); a network interface operable to couple the peer node to a network (column 4, lines 21-43); a memory operable to store program instructions, wherein the program instructions are executable by the processor to (column 5, line 54-column 6, line 9): join a peer group in accordance with a membership protocol (column 11, lines 28-50); upon joining said peer group, instantiate one or more of a common set of services defined for said peer group (column 16, lines 15-39); and share a network service or content with other members of

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said peer group only, so that said peer group defines a limited domain of availability for said network service or said content (column 11, line 62-column 12, line 5).

24. As per claims 24, 26, 47, 58, 59, 65, 66, 82, 83, 89, 94, and 95, Harvey et al. teaches a peer node wherein, in said discovering, the program instructions are further executable to: send or receive a discovery query message including one or more criteria, wherein the discovery query message is formatted in accordance with the discovery protocol (column 17, lines 43-57); and receive or send a message in response to the discovery query message including one or more advertisements fitting the one or more criteria, wherein each of said one or more advertisements includes a description a corresponding peer group, requirements for joining the corresponding peer group, and an endpoint advertisement indicating where to send a message to apply for membership in the corresponding peer group, wherein the response message is formatted in accordance with the discovery protocol (column 13, line 58-column 14, line 6: wherein an invitation serves the purpose of an advertisement; and column 14, lines 17-24).

25. As per claim 31, Harvey et al. teaches a peer node, wherein the program instructions are further executable to, upon joining said peer group, provide a peer group advertisement for said peer group, wherein said peer group advertisement comprises: a description of said peer group (column 4, lines 44-61); membership requirements for said peer group (column 11, lines 28-50); and one or more pipe endpoint advertisements for receiving membership protocol messages from potential

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peer group members (column 3, lines 28-46: wherein an invitation serves the purpose of an advertisement).

26. As per claims 32, 33, 84, and 85, Harvey et al. teaches a peer node, wherein the program instructions are further executable to: send or receive a query message requesting content within said peer group, wherein said query message is formatted in accordance with a resolver protocol (column 17, lines 10-25); and receive or send a response message to said query message from within said peer group, wherein said response message includes the requested content, wherein said response message is formatted in accordance with the resolver protocol (column 21, line 55-column 22, line 25).

27. As per claims 39, 86, 91, and 98, Harvey et al. teaches a peer node, comprising: a processor (column 5, line 54-column 6, line 9); a network interface operable to couple the peer node to a network (column 4, lines 21-43); a memory operable to store program instructions, wherein the program instructions are executable by the processor to (column 21, line 55-column 22, line 25): create an advertisement for a peer group in accordance with a protocol, wherein said advertisement for the peer group comprises (column 13, lines 5-26: wherein an invitation serves the purpose of an advertisement): an identifier for the peer group (column 7, line 58-column 8, line 11); a description of a common set of services to be instantiated within the peer group by members of the peer group (column 4, lines 20-43); and a membership service advertisement indicating how others peers may request to join the peer group; and publish at least a portion of said

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advertisement for the peer group including said identifier and said membership service advertisement (column 11, lines 28-50).

28. As per claim 40, Harvey et al. teaches a peer node, wherein said advertisement for the peer group further comprises a name associated with the peer group (column 4, lines 44-61).

29. As per claims 41 and 53, Harvey et al. teaches a peer node, wherein said name associated with the peer group is obtained from a centralized naming service coupled to the network, so that said name associated with the peer group is unique within the network (column 7, line 58-column 8, line 11 and column 8, lines 21-31).

30. As per claims 42 and 54, Harvey et al. teaches a peer node, wherein said advertisement for the peer group further comprises keywords for use in indexing and discovering the peer group (column 7, line 58-column 8, line 11).

31. As per claims 43 and 55, Harvey et al. teaches a peer node, wherein said advertisement for the peer group further comprises a description of an initial service to be instantiated by other peer nodes when joining the peer group (column 16, lines 4-49).

32. As per claim 48, Harvey et al. teaches a peer node, wherein said common set of services are shared with other members of said peer group only, so that said peer group defines a limited domain of availability for said services (column 11, line 62-column 12, line 5).

33. As per claims 50 and 61, Harvey et al. teaches a peer computing system, comprising: a plurality of peer nodes (column 24, lines 14-49); a subset of said plurality

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of peer nodes configured to participate in a peer discovery protocol to discover other peer nodes and discover one or more peer groups, wherein said discovering one or more peer groups comprises discovering one or more peer group advertisements for the peer groups (column 16, lines 50-59); a subset of said plurality of peer nodes configured to participate in a peer membership protocol for joining said discovered peer groups (column 16, lines 50-59); and wherein each of the one or more peer groups comprises a common set of services shared by member peer nodes of the particular peer group only, so that the particular peer group defines a limited domain of availability for said services (column 11, line 62-column 12, line 5).

34. As per claims 52 and 62, Harvey et al. teaches a peer computing system, wherein each peer group advertisement comprises: an identifier for the particular peer group (column 7, line 58-column 8, line 11); a description of a common set of services to be instantiated within the particular peer group by members of the particular peer group (column 4, lines 20-43); a membership service advertisement indicating how others peers may request to join the particular peer group (column 13, lines 5-26: wherein an invitation serves the purpose of an advertisement); and a name associated with the particular peer group (column 4, lines 44-61).

35. As per claim 68, Harvey et al. teaches a peer computing system, further comprising means for each of the subset of said plurality of peer nodes to: receive a query message requesting content from within a particular peer group of which the particular peer node is a member peer; and send a response message to said query message within the particular peer group, wherein said response message includes the

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requested content if the particular peer node has access to the requested content (column 19, lines 26-39).

36. As per claim 76, Harvey et al. teaches a method, further comprising: a first member peer of a particular peer group receiving a peer group message from a second member peer of the particular peer group, wherein the peer group message comprises a query message for content within the particular peer group; and the first member peer providing the content requested in the query message to the second member peer (column 19, lines 26-39).

Claim Rejections - 35 USC § 103

37. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

38. Claims 12-15, 34, 35, 36, 69, 78, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (6,487,583) as applied to claim 1 above, and further in view of McLaughlin et al. (6,272,386).

39. As per claims 12, 34, 69, and 78, Harvey et al. teaches the mentioned limitations of claims 1, 20, 61, and 70 above but fails to teach a peer-to-peer network environment, wherein a plurality of peer groups members of said peer group are configured to provide redundant instances of said network service or content to said peer group, wherein a member of said peer group can access said network service or content from any of said plurality of peer groups members providing one of the redundant instances of said network service or content. However, McLaughlin et al. teaches a peer-to-peer network

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environment, wherein a plurality of peer groups members of said peer group are configured to provide redundant instances of said network service or content to said peer group, wherein a member of said peer group can access said network service or content from any of said plurality of peer groups members providing one of the redundant instances of said network service or content (see McLaughlin et al. column 9, lines 26-39). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Harvey et al. to a peer-to-peer network environment, wherein a plurality of peer groups members of said peer group are configured to provide redundant instances of said network service or content to said peer group, wherein a member of said peer group can access said network service or content from any of said plurality of peer groups members providing one of the redundant instances of said network service or content in order to increase the overall reliability of process facility (see McLaughlin et al. column 9, lines 13-25).

40. As per claims 13, 36, and 79, Harvey et al. teaches the mentioned limitations of claims 1, 12, 20, 35, 70, and 78 above but fails to teach a peer-to-peer network environment, wherein said plurality of peer groups members providing redundant instances of said network service or content are configured to provide a fail-over mechanism wherein if one of the peers providing said network service or content fails or leaves said peer group, said network service or content may be obtained from another one of the peers providing said network service or content. However, McLaughlin et al. teaches a peer-to-peer network environment, wherein said plurality of peer groups members providing redundant instances of said network service or content are

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configured to provide a fail-over mechanism wherein if one of the peers providing said network service or content fails or leaves said peer group, said network service or content may be obtained from another one of the peers providing said network service or content (see McLaughlin et al. column 10, lines 37-51). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Harvey et al. to a peer-to-peer network environment, wherein said plurality of peer groups members providing redundant instances of said network service or content are configured to provide a fail-over mechanism wherein if one of the peers providing said network service or content fails or leaves said peer group, said network service or content may be obtained from another one of the peers providing said network service or content in order to switch a secondary process controller into an "active" primary state with minimal control disruption for improved control systems (see McLaughlin et al. column 3, lines 14-25).

41. As per claims 14, 15, and 35, Harvey et al. teaches the mentioned limitations of claims 1, 12, and 20 above but fails to teach a peer-to-peer network environment, wherein said plurality of peer groups members providing redundant instances of said network service or content support a pipe binding protocol for establishing a communication pipe to access said network service or content, wherein a member of said peer group can access said network service or content by connecting to a pipe to one of the redundant instances of said network service or content. However, McLaughlin et al. teaches a peer-to-peer network environment, wherein said plurality of peer groups members providing redundant instances of said network service or content

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support a pipe binding protocol for establishing a communication pipe to access said network service or content, wherein a member of said peer group can access said network service or content by connecting to a pipe to one of the redundant instances of said network service or content (see McLaughlin et al. column 9, lines 26-39). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Harvey et al. to a peer-to-peer network environment, wherein said plurality of peer groups members providing redundant instances of said network service or content support a pipe binding protocol for establishing a communication pipe to access said network service or content, wherein a member of said peer group can access said network service or content by connecting to a pipe to one of the redundant instances of said network service or content in order to detect the failure in subscriber primary process controller and initiate a "fail-over" operation (see McLaughlin et al. column 12, lines 1-6).

42. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (6,487,583) as applied to claim 1 above, and further in view of Lang et al. (5,867,799).

43. As per claim 16, Harvey et al. teaches the mentioned limitations of claim 1 above but fails to teach a peer-to-peer network environment, wherein said plurality of peer groups comprises a nested peer group within said peer group, wherein all members of said nested peer group belong to said peer group, but not all members of said peer group belong to said nested peer group. However, Lang et al. teaches a peer-to-peer

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network environment, wherein said plurality of peer groups comprises a nested peer group within said peer group, wherein all members of said nested peer group belong to said peer group, but not all members of said peer group belong to said nested peer group (see Lang et al. column 27, lines 44-65). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Harvey et al. to a peer-to-peer network environment, wherein said plurality of peer groups comprises a nested peer group within said peer group, wherein all members of said nested peer group belong to said peer group, but not all members of said peer group belong to said nested peer group in order to allow users to be broken into distributed groups in a purely hierarchical, parallel or a combination of both (see Lang et al. column 27, lines 25-43).

44. As per claim 17, Harvey et al. teaches the mentioned limitations of claims 1 and 16 above but fails to teach a peer-to-peer network environment, wherein said common set of services available to members of said nested peer group includes at least all of said common set of services available to members of said peer group. However, Lang et al. teaches a peer-to-peer network environment, wherein said common set of services available to members of said nested peer group includes at least all of said common set of services available to members of said peer group (see Lang et al. column 7, lines 32-54). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Harvey et al. to a peer-to-peer network environment, wherein said common set of services available to members of said nested peer group includes at least all of said common set of services available to members of

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said peer group in order to group member clients to form a plurality of communities, each community including selected clients of the plurality of member clients, selected client attributes of the selected clients being comparable to others of the selected clients thereby providing each community with a community profile having common client attributes (see Lang et al. column 5, lines 14-38).

45. As per claim 18, Harvey et al. teaches the mentioned limitations of claims 1 and 16 above but fails to teach a peer-to-peer network environment, wherein said network service or content shared within said peer group is also accessible within said nested peer group, wherein said nested peer group is configured to share an additional network service or content available only within said nested peer group and not to members of said peer group that do not also belong to said nested peer group. However, Lang et al. teaches a peer-to-peer network environment, wherein said network service or content shared within said peer group is also accessible within said nested peer group, wherein said nested peer group is configured to share an additional network service or content available only within said nested peer group and not to members of said peer group that do not also belong to said nested peer group (see Lang et al. column 8, lines 13-42). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Harvey et al. to a peer-to-peer network environment, wherein said network service or content shared within said peer group is also accessible within said nested peer group, wherein said nested peer group is configured to share an additional network service or content available only within said nested peer group and not to members of said peer group that do not also belong to said nested peer group in order

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to implement adaptive credibility filtering, providing member clients with a measure of informon credibility as judged by other member clients in the community (see Lang et al. column 8, lines 43-61).

46. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (6,487,583) and McLaughlin et al. (6,272,386) as applied to claims 20 and 35 above, and further in view of Lowery et al. (2002/0107935). Harvey et al. and McLaughlin et al. teach the mentioned limitations of claims 20 and 35 above but fail to teach a peer node wherein, if the peer node is moved from a first physical location to a second physical location, the program instructions are further executable to rebind said communication pipe from an endpoint located at the first network location to the second network location. However, Lowery et al. teaches a peer node wherein, if the peer node is moved from a first physical location to a second physical location, the program instructions are further executable to rebind said communication pipe from an endpoint located at the first network location to the second network location (see Lowery et al. paragraph 0093). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Harvey et al. and McLaughlin et al. to a peer node wherein, if the peer node is moved from a first physical location to a second physical location, the program instructions are further executable to rebind said communication pipe from an endpoint located at the first network location to the second network location in order for the dynamic cache application to select a community which has the lowest latency from the client (see Lowery et al. paragraph 0096).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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